

Message

From: Frank C. Pavia [fpavia@HarrisBeach.com]
Sent: 7/13/2015 9:09:32 PM
To: 'Holly K. Austin' [haustin@hancocklaw.com]; McCreary, Jean [JMcCreary@nixonpeabody.com]; Charney, Lauren [Charney.Lauren@epa.gov]; David W. Nunn [dwnunn@eastmansmith.com]; Jeffrey Davis [JDavis@hblaw.com]; kathleen.mcfadden@utc.com; John.wolski@utc.com; Gary P. Gengel [Gary.Gengel@lw.com]; CBurns@chacompanies.com; lmona@hblaw.com; Joseph A. Gregg [jagregg@eastmansmith.com]; WilliamShaklee@Eaton.com; NelsonMOLavarria@Eaton.com; Kevin Murphy [kmurphy@wladislawfirm.com]; (rstamey@syr.gov.net) [rstamey@syr.gov.net]; Barry, Joe - Law [JBarry@syr.gov.net]; Luis Mendez [Luis.Mendez@ongov.net]; Robert Baldwin [rbaldwin@baslaw.com]; Tames, Pam [Tames.Pam@epa.gov]; Doyle, James [Doyle.James@epa.gov]; Singerman, Joel [Singerman.Joel@epa.gov]; Mona, Laura L. [lmona@barclaydamon.com]; LuisMendez@ongov.net; Baker, Darlene A. [DBaker@barclaydamon.com]; Capozza, Richard R. [RCAPOZZA@barclaydamon.com]; Kaitlin.Wallace@lw.com; Trimarchi, Peter [ptrimarchi@nixonpeabody.com]
Subject: RE: LLC AOC draft 7-13-15 [ES-LEGAL.FID1587432]

I am not available until 11:30 am on Thursday. However, in light of the County's unavailability, we should look at another day.

Frank C. Pavia
Partner

HARRIS BEACH PLLC

ATTORNEYS AT LAW
99 Garnsey Road
Pittsford, NY 14534
585.419.8709 Direct
585.419.8815 Fax
585.419.8800 Main
Website | Bio | Add to Contacts

practice GREEN
Save a tree. Read, don't print, emails.

Statement of Confidentiality

This electronic message may contain privileged or confidential information. If you are not the intended recipient of this e-mail, please delete it from your system and advise the sender.

From: Holly K. Austin [mailto:haustin@hancocklaw.com]
Sent: Monday, July 13, 2015 5:08 PM
To: McCreary, Jean; Charney, Lauren; David W. Nunn; Jeffrey Davis; kathleen.mcfadden@utc.com; John.wolski@utc.com; Gary P. Gengel; CBurns@chacompanies.com; Frank C. Pavia; lmona@hblaw.com; Joseph A. Gregg; WilliamShaklee@Eaton.com; NelsonMOLavarria@Eaton.com; Kevin Murphy; (rstamey@syr.gov.net); Barry, Joe - Law; Luis Mendez; Robert Baldwin; Tames, Pam; Doyle, James; Singerman, Joel; Mona, Laura L.; LuisMendez@ongov.net; Baker, Darlene A.; Capozza, Richard R.; Kaitlin.Wallace@lw.com; Trimarchi, Peter
Subject: RE: LLC AOC draft 7-13-15 [ES-LEGAL.FID1587432]

Those times are fine with me for Thursday.

From: McCreary, Jean [mailto:JMcCreary@nixonpeabody.com]
Sent: Monday, July 13, 2015 5:03 PM
To: Charney, Lauren; David W. Nunn; Jeffrey Davis; kathleen.mcfadden@utc.com; John.wolski@utc.com; Gary P. Gengel;

CBurns@chacompanies.com; Frank C. Pavia; Imona@hblaw.com; Joseph A. Gregg; WilliamShaklee@Eaton.com; NelsonMOLavarria@Eaton.com; Kevin Murphy; (rstamey@syrgov.net); Barry, Joe - Law; Luis Mendez; Robert Baldwin; Tames, Pam; Doyle, James; Singerman, Joel; Mona, Laura L.; LuisMendez@ongov.net; Baker, Darlene A.; Capozza, Richard R.; Holly K. Austin; Kaitlin.Wallace@lw.com; Trimarchi, Peter
Subject: RE: LLC AOC draft 7-13-15 [ES-LEGAL.FID1587432]

I can do from 10-1. Jean

From: Charney, Lauren [<mailto:Charney.Lauren@epa.gov>]
Sent: Monday, July 13, 2015 5:02 PM
To: David W. Nunn; Jeffrey Davis; kathleen.mcfadden@utc.com; John.wolski@utc.com; Gary P. Gengel; CBurns@chacompanies.com; Frank C. Pavia; McCreary, Jean; Imona@hblaw.com; Joseph A. Gregg; WilliamShaklee@Eaton.com; NelsonMOLavarria@Eaton.com; Kevin Murphy; (rstamey@syrgov.net); Barry, Joe - Law; Luis Mendez; Robert Baldwin; Tames, Pam; Doyle, James; Singerman, Joel; Mona, Laura L.; LuisMendez@ongov.net; Baker, Darlene A.; Capozza, Richard R.; Holly K. Austin; Kaitlin.Wallace@lw.com; Trimarchi, Peter
Subject: RE: LLC AOC draft 7-13-15 [ES-LEGAL.FID1587432]

Thursday EPA is available between 10 and 1:30.

From: David W. Nunn [<mailto:dwnunn@eastmansmith.com>]
Sent: Monday, July 13, 2015 4:57 PM
To: Charney, Lauren; Jeffrey Davis; kathleen.mcfadden@utc.com; John.wolski@utc.com; Gary P. Gengel; CBurns@chacompanies.com; Frank C. Pavia; Jean McCreary; Imona@hblaw.com; Joseph A. Gregg; WilliamShaklee@Eaton.com; NelsonMOLavarria@Eaton.com; Kevin Murphy; (rstamey@syrgov.net); Barry, Joe - Law; Luis Mendez; Robert Baldwin; Tames, Pam; Doyle, James; Singerman, Joel; Mona, Laura L.; LuisMendez@ongov.net; Baker, Darlene A.; Capozza, Richard R.; Holly K. Austin; Kaitlin.Wallace@lw.com; Trimarchi, Peter
Subject: RE: LLC AOC draft 7-13-15 [ES-LEGAL.FID1587432]

Lauren,

I think it would be more productive if we rescheduled our call. I suggest sometime Thursday if that works for folks. Is there a time that would work for EPA?

David

From: Charney, Lauren [<mailto:Charney.Lauren@epa.gov>]
Sent: Monday, July 13, 2015 4:48 PM
To: David W. Nunn; Jeffrey Davis; kathleen.mcfadden@utc.com; John.wolski@utc.com; Gary P. Gengel; CBurns@chacompanies.com; Frank C. Pavia; Jean McCreary; Imona@hblaw.com; Joseph A. Gregg; WilliamShaklee@Eaton.com; NelsonMOLavarria@Eaton.com; Kevin Murphy; (rstamey@syrgov.net); Barry, Joe - Law; Luis Mendez; Robert Baldwin; Tames, Pam; Doyle, James; Singerman, Joel; Mona, Laura L.; LuisMendez@ongov.net; Baker, Darlene A.; Capozza, Richard R.; Holly K. Austin; Kaitlin.Wallace@lw.com; Trimarchi, Peter
Subject: LLC AOC draft 7-13-15

Dear All,

Attached is the latest version of the LLC AOC. As with the other drafts I have sent, this one shows track changes compared to the original version of the AOC we sent the group, so you can see where we have incorporated your comments/concerns. I apologize that I am sending you this version without much time to review before our 9 am call tomorrow, but there were unavoidable delays in getting this to you. Please let me know if you'd prefer delaying tomorrow's call until Wednesday or Thursday to give you time to review the changes. I do not yet have a sample UAO to send to the group- I just received one and haven't had a chance to review it for its applicability to this OU.

You will notice that we incorporated changes concerning the use of "Settlement Agreement" and contribution protection. However, although I suggested on our last call that we would be amenable to changing the covenant not to

sue the US provision (paragraph 85), we were met with resistance from upper management for deviating from the model without more information about the potential claims against the US.

As always, this draft is subject to further government review.

Lauren P. Charney
Assistant Regional Counsel
US EPA Region 2
290 Broadway, 17th Floor
New York, NY 10007
Tel: 212-637-3181
charney.lauren@epa.gov

es10